
SENATE BILL 5645

State of Washington

57th Legislature

2001 Regular Session

By Senators Prentice, Eide, Shin and Rasmussen

Read first time 01/29/2001. Referred to Committee on Labor, Commerce & Financial Institutions.

1 AN ACT Relating to the issuance or renewal of gambling licenses;
2 amending RCW 9.46.075; creating a new section; and providing an
3 effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature recognizes that the public's
6 interest is well-served by a strong commitment to public safety in our
7 communities, on our streets, and in our neighborhoods.

8 The legislature further recognizes that the importance of public
9 safety within a community must also be factored into the decision-
10 making process regarding the issuance and renewal of gambling licenses
11 for eating and drinking establishments in the state of Washington.

12 It is the intent of the legislature to balance the legitimate
13 rights of operators of eating and drinking establishments to obtain
14 lawful gambling licenses and license renewals, with the public's
15 expectation of a significant commitment to public safety.

16 Therefore, the legislature intends to add criteria to the laws on
17 gambling license issuances and renewals that adequately recognize the
18 public safety role of cities and counties and that will serve the
19 public.

1 **Sec. 2.** RCW 9.46.075 and 1981 c 139 s 4 are each amended to read
2 as follows:

3 (1) Before the commission may issue a license to an applicant, or
4 renew an existing license, it shall give notice of the application to
5 the chief executive officer of the incorporated city or town, or to the
6 county legislative authority, if the application is for a license
7 outside the boundaries of incorporated cities and towns. The city or
8 town, through the official or employee selected by it, or the county
9 legislative authority or the official or employee selected by it, may
10 file with the commission within twenty days after the date of
11 transmittal of the notice, written objections against the applicant or
12 against the premises for which the license is sought. If a public
13 hearing is requested by a city or town, or by a county legislative
14 authority if the proposed establishment is outside incorporated
15 boundaries of a city or town, the commission shall hold a formal
16 hearing subject to the applicable provisions of Title 34 RCW. Upon
17 granting a license under this chapter, the commission shall send a
18 duplicate of the license or written notification to the chief executive
19 officer of the city or town in which the license is granted, or to the
20 county legislative authority if the license is granted outside the
21 boundaries of an incorporated city or town.

22 (2) The commission may deny an application, or suspend or revoke
23 any license or permit issued by it, for any reason or reasons, it deems
24 to be in the public interest, and particularly those related to public
25 safety issues for the community in which the establishment proposed to
26 be licensed is located. In addition, the commission shall hold a
27 public hearing regarding a proposed license in cases where a city,
28 town, or county raises public safety issues with respect to the
29 proposed license. ((These)) Reasons ((shall)) for suspension,
30 revocation, or denial of a license or permit, or renewal thereof,
31 include, but are not ((be)) limited to, cases wherein the applicant or
32 licensee, or any person with any interest therein, or an employee:

33 ((1)) (a) Has violated, failed, or refused to comply with the
34 provisions, requirements, conditions, limitations, or duties imposed by
35 this chapter ((9.46-RCW)) and any amendments thereto, or any rules
36 adopted by the commission pursuant thereto, or when a violation of any
37 provision of this chapter ((9.46-RCW)), or any commission rule, has
38 occurred upon any premises occupied or operated by any such person or
39 over which he or she has substantial control;

1 ~~((+2))~~ (b) Knowingly causes, aids, abets, or conspires with
2 another to cause, any person to violate any of the laws of this state
3 or the rules of the commission;

4 ~~((+3))~~ (c) Has obtained a license or permit by fraud,
5 misrepresentation, concealment, or through inadvertence or mistake;

6 ~~((+4))~~ (d) Has been convicted of, or forfeited bond upon a charge
7 of, or pleaded guilty to, forgery, larceny, extortion, conspiracy to
8 defraud, willful failure to make required payments or reports to a
9 governmental agency at any level, or filing false reports therewith, or
10 of any similar offense or offenses, or of bribing or otherwise
11 unlawfully influencing a public official or employee of any state or
12 the United States, or of any crime, whether a felony or misdemeanor
13 involving any gambling activity or physical harm to individuals or
14 involving moral turpitude;

15 ~~((+5))~~ (e) Denies the commission or its authorized
16 representatives, including authorized local law enforcement agencies,
17 access to any place where a licensed activity is conducted or who fails
18 promptly to produce for inspection or audit any book, record, document,
19 or item required by law or commission rule;

20 ~~((+6) Shall)~~ (f) Fails to display its license on the premises
21 where the licensed activity is conducted at all times during the
22 operation of the licensed activity;

23 ~~((+7))~~ (g) Makes a misrepresentation of, or fails to disclose, a
24 material fact to the commission;

25 ~~((+8))~~ (h) Fails to prove, by clear and convincing evidence, that
26 he, she, or it is qualified in accordance with ~~((the provisions of))~~
27 this chapter;

28 ~~((+9))~~ (i) Is subject to current prosecution or pending charges,
29 or a conviction which is under appeal, for any of the offenses included
30 under (d) of this subsection ~~((+4) of this section: PROVIDED, That))~~.
31 However, at the request of an applicant for an original license, the
32 commission may defer decision upon the application during the pendency
33 of such prosecution or appeal;

34 ~~((+10))~~ (j) Has pursued or is pursuing economic gain in an
35 occupational manner or context ~~((which))~~ that is in violation of the
36 criminal or civil public policy of this state if such pursuit creates
37 probable cause to believe that the participation of such person in
38 gambling or related activities would be inimical to the proper
39 operation of an authorized gambling or related activity in this state.

1 For the purposes of this section, occupational manner or context
2 (~~shall be defined as~~) means the systematic planning, administration,
3 management, or execution of an activity for financial gain;

4 (~~(11)~~) (k) Is a career offender or a member of a career offender
5 cartel or an associate of a career offender or career offender cartel
6 in such a manner which creates probable cause to believe that the
7 association is of such a nature as to be inimical to the policy of this
8 chapter or to the proper operation of the authorized gambling or
9 related activities in this state. For the purposes of this section,
10 career offender (~~shall be defined as~~) means any person whose behavior
11 is pursued in an occupational manner or context for the purpose of
12 economic gain utilizing such methods as are deemed criminal violations
13 of the public policy of this state. A career offender cartel (~~shall~~
14 ~~be defined as~~) means any group of persons who operate together as
15 career offenders;

16 (l) Has been the holder of any other corresponding local or state
17 license and the establishment operating under that license has been the
18 source or cause of significant public safety problems, or has not had
19 the license renewed;

20 (m) Has operated an establishment that has threatened public
21 safety, as documented by numbers of service calls involving police or
22 law enforcement departments; the nature of the service calls involving
23 police or law enforcement departments; public safety problems involving
24 patrons of the establishment; charges or convictions of conduct on the
25 premises that is prohibited by any portion of Title 9, 9A, or 69 RCW;
26 and other documentation of public safety-related matters brought forth
27 by a city, town, or county.

28 For the purpose of reviewing any application for a license and for
29 considering the denial, suspension, or revocation of any license the
30 gambling commission may consider any prior criminal conduct of the
31 applicant or licensee, and the provisions of RCW 9.95.240 and of
32 chapter 9.96A RCW shall not apply to such cases.

33 NEW SECTION. Sec. 3. This act takes effect September 1, 2001.

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